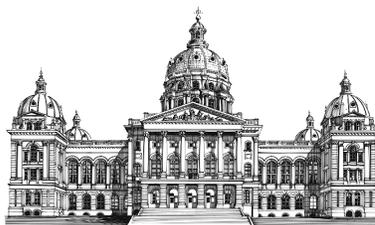

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Judicial Salaries

ISSUE

This *Issue Review* is a brief history of judicial salaries and benefits.

AFFECTED AGENCIES

Judicial Branch

CODE AUTHORITY

Chapter 602, Code of Iowa

BACKGROUND

Iowa has a court system consisting of the Supreme Court, the Court of Appeals and the District Courts.

The Supreme Court consists of one Chief Justice and six Justices. The Court has general appellate jurisdiction for criminal and civil cases, and exercises supervisory and administrative control over the court system pursuant to Article V, Constitution of Iowa.

The Court of Appeals consists of one Chief Judge and eight Associate Judges. The Court listens to cases referred by the Supreme Court.

Iowa has a unified trial court system, referred to as the District Court. The State is divided into eight judicial districts that handle all types of civil, criminal, juvenile, and probate cases. A Chief Judge that exercises administrative supervision within the district heads each district. There are five types of judgeships within each District with differing levels of responsibilities. They are:

- Magistrates that issue search warrants and emergency hospitalization orders, and hold preliminary hearings and preside at trials of small claims (\$4,000 or less), simple misdemeanors, and forcible entry and detained actions. Magistrates are not required to be lawyers as are other judges. There are 134 full-time and part-time magistrates.
- District Associate Judges that have the same jurisdiction as magistrates in addition to hearing indictable misdemeanors, civil actions involving \$10,000 or less, Operating While Intoxicated (OWI) felonies, and some juvenile cases. There are 54 District Associate Judges. The number of judges is determined in two ways. First, Section 602.6301, Code of Iowa, provides a formula based on county population. Second, Section 602.6302, Code of Iowa, allows for the conversion of three

judicial magistrate judgeships into one district associate judgeship. Of the 54 District Associate judgeships, 34 resulted from the formula, 19 resulted from conversions, and one was created by Chapter 207, Section 7(f), 1995 Iowa Acts.

- Associate Juvenile Judges that handle only juvenile matters, including delinquency proceedings, children in need of assistance (CHINA), abuse and neglect, and termination of parental rights proceedings. There are 12 Associate Juvenile Judges.
- District Judges that have general trial court jurisdiction (civil, criminal, domestic relations, and probate). There are 116 District Court Judges. The number of District Court judges is prescribed by a formula in Section 602.6201, Code of Iowa, but capped statutorily at 116 (Section 602.6201(10), Code of Iowa). The formula is based on population and the number of civil and criminal filings. If the formula were used without the cap, there would be 138 judgeships.
- Associate Probate Judges that handle probate issues. The State has only one Associate Probate Judge, located in Polk County.
- Senior Judges are assigned to temporary judicial duties within the Courts of Iowa.

In FY 2000, there were 8.50 FTE positions for Senior Judges. Iowa's Senior Judge Program helps the courts decide more cases at a low cost to the State. Appointments to the Program are at the discretion of the Supreme Court. A Senior Judge must retire at the end of the twelve-month period during which the judge attains seventy-eight years of age. Senior Judges work 13 weeks or one fourth of the year.

CURRENT SITUATION

Judicial salaries are set by the General Assembly in Section 602.1501, Code of Iowa for the following:

- Supreme Court Justices and the Chief Justice
- Court of Appeals Judges and the Chief Judge
- District Court Judges and the Chief Judge
- District Associate Judges
- Magistrates

Table 1 below illustrates judicial salaries for FY 2001 as set in SF 2450 (FY 2001 Salary Act).

Table 1
FY 2001 Judicial Salaries

Chief Justice of the Supreme Court	\$ 117,400
Supreme Court Justice	113,200
Chief Judge of the Court of Appeals	113,100
Associate Judge of the Court of Appeals	108,900
Chief Judge of a Judicial District	107,900
District Judge (except Chief Judge)	103,500
District Associate Judge	90,200
Associate Juvenile Judge	90,200
Associate Probate Judge	90,200
Judicial Magistrate	26,900
Senior Judges	6,000

BUDGET IMPACT

Since FY 1995, judicial salaries have increased approximately 23.0% for all salaries set by the General Assembly with the exception of Magistrates and Senior Judges. Magistrate salaries have increased 45.4% since FY 1995 and Senior Judges' salaries have increased 20.0% since FY 1996.

Benefits for Judges add an additional \$7.6 million to the expenditures for judicial salaries. Of that amount, \$4.5 million is appropriated directly to the Judicial Retirement Fund for the State contribution rate of 23.7% of eligible judicial salaries. Magistrates have the option to participate in IPERS for which the State contribution rate is 5.75%, but they cannot participate in the Judicial Retirement Fund.

Table 2 below illustrates average salary and benefits by judge type, excluding Judicial Retirement contributions by the State.

**Table 2
Average Iowa Judicial Salaries and Benefits**

	Budgeted FY 2001
Chief Justice of the Supreme Court	\$ 129,678
Supreme Court Justice	125,413
Chief Judge of the Court of Appeals	125,328
Associate Judge of the Court of Appeals	121,063
Chief Judge of a Judicial District	120,045
District Judge (except Chief Judge)	115,575
District Associate Judge	102,346
Associate Juvenile Judge	102,346
Associate Probate Judge	102,346
Judicial Magistrate	31,538
Senior Judges	6,484

The National Conference of State Legislatures (NCSL) did a national compilation of judicial salaries across all 50 states including the date of the last salary change. According to the Survey, Iowa's last judicial salary increase took place on July 1, 2000. **Table 3** below illustrates where Iowa ranks nationally.

**Table 3
National Judicial Salary Comparison**

	National Average	Iowa	Iowa's Rank*
Supreme Court	\$ 111,954	\$ 109,900	28 th
Court of Appeals	109,701	105,700	26 th
District Court	100,121	100,500	23 rd

*Source for the rank is National Center for State Courts survey in fall 1999.